

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,) CASE NO. 1:23-CR-00266
vs.)
Plaintiff,) JUDGE CHARLES E. FLEMING
ORIN FRANCE,) MAGISTRATE JUDGE JENNIFER
Defendant.) DOWDELL ARMSTRONG
)
) **ORDER ACCEPTING/ENTERING**
) **PLEA OF GUILTY AND REFERRING**
) **THE MATTER FOR PREPARATION**
) **OF A PRESENTENCE REPORT**

Before the Court is the Report and Recommendation (“R&R”) filed by United States Magistrate Judge Jennifer Dowdell Armstrong recommending that the Court accept Defendant’s guilty plea and enter a finding of guilty. (ECF No. 21). This matter was previously referred to the Magistrate Judge to accept Defendant’s plea of guilty, conduct the colloquy prescribed by Fed. R. Crim. P. 11, cause a verbatim record of the proceedings to be prepared, refer the matter for preparation of a presentence report, and submit an R&R stating whether the plea should be accepted and a finding of guilty entered. (ECF No. 6, PageID# 13).

On May 8, 2023, the government filed a one count Information alleging that Defendant knowingly and with the intent to deceive made a false written statement to Gun Enthusiast of Ohio d/b/a Cleveland Armory (Ohio) in connection with the acquisition of firearms in violation 18 U.S.C. §§ 922(a)(6) and 924(a)(2). (ECF No. 5). Defendant waived his right to prosecution by indictment and consented to prosecution by information the same day. (ECF No. 5-2).

On May 16, 2023, Magistrate Judge Armstrong held an arraignment and plea hearing, during which the Defendant entered a plea of guilty to the Information. On August 21, 2023, Magistrate Judge Armstrong issued an R&R recommending that the Court accept Defendant's

guilty plea and enter a finding of guilty. (ECF No. 21). Any objections to the R&R were due on September 5, 2023. (*Id.*). Neither party has objected to the R&R.

On review of the record, including the written transcript of the May 16, 2023 hearing (ECF No. 16), the Court adopts the R&R. Defendant is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a guilty plea. He is also aware of the trial rights he waives/gives up by pleading guilty. There is an adequate factual basis for the plea. Defendant denied being threatened into entering the plea and confirmed that no promises have been made to him, other than those contained in the plea agreement. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea is accepted.

Therefore, Defendant is adjudged guilty of count 1 of the Information, in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2). This matter is hereby referred to the U.S. Probation Office for the preparation of a presentence report. Sentencing is set for September 26, 2023 at 10:00 AM.

IT IS SO ORDERED.

Date: September 6, 2023



CHARLES E. FLEMING
UNITED STATES DISTRICT JUDGE